

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

**ORDER GRANTING RESCAP BORROWER CLAIMS TRUST'S MOTION IN LIMINE
TO EXCLUDE THE EXPERT TESTIMONY OF DR. JAY I. SUSSMAN**

Pending before the Court is *The ResCap Borrower Claims Trust's Motion in Limine to Exclude the Expert Testimony of Dr. Jay I. Sussman* (the "Motion," ECF Doc. # 7515). By its Motion, the ResCap Borrower Claims Trust (the "Trust") seeks to exclude expert testimony by Dr. Jay I Sussman at the evidentiary hearing on the Frank and Christina Reed claims, Claim Nos. 3708, 3759, 4736, and 4759, scheduled for September 15–16, 2014.

On July 29, 2014, the Court entered the *Order Concerning Contested Matter for Claims of Frank and Christina Reed* (the "Witness Procedures Order," ECF Doc. # 7314), which provided: "[o]n or before 5:00 p.m., Thursday, July 31, 2014, the parties shall exchange the names, last known business or residence address, and brief narrative statement of the expected direct testimony of each fact and expert witness that each side expects to call at trial." Mr. Reed provided the Trust with the names and contact information for a number of witnesses after the Court entered the Witness Procedures Order and before the deadline; Dr. Sussman was not among the witnesses identified. (*See* Motion Ex. B, Email from Frank Reed to Jordan Wishnew, dated July 31, 2014.) On September 8, 2014, for the first time, more than one month after the deadline, Mr. Reed identified Dr. Sussman as a witness. (*See id.* Ex. A.) However, because Mr. Reed did not identify and disclose the required information about Dr. Sussman before the July

31, 2014 deadline, Mr. Reed cannot call Dr. Sussman at the evidentiary hearing. Therefore, the Trust's Motion is **GRANTED** and Dr. Sussman's testimony is **EXCLUDED**.

IT IS SO ORDERED.

Dated: September 10, 2014
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge